

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

FRANK STAPLES, ET AL.

Plaintiffs

v.

GOVERNOR CHRISTOPHER SUNUNU,
ET AL.

Defendants

Civil No. 1:24-cv-00331-LM-TSM

DEFENDANT’S OBJECTION TO PLAINTIFFS’ MOTION TO STRIKE

NOW COMES Charles O’Leary, in his individual capacity (“Defendant”), by and through counsel, the Office of the Attorney General, and respectfully requests that the Court deny the Plaintiffs’ Motion to Strike Document 23. In support of this request, the Defendant states as follows:

1. On February 18, 2025, the Defendant filed a Motion to Dismiss for failure to state a claim pursuant to Fed. R. Civ. P. 12(b)(6). (ECF Doc. No. 23).
2. On that same day, Defendants Governor Sununu and Attorney General Formella filed a separate Motion to Dismiss. (ECF Doc. No. 22).
3. On or about March 27, 2025, the Plaintiffs filed a Motion to Strike the Defendant’s Motion to Dismiss arguing that Defendant O’Leary’s Motion to Dismiss was duplicative of the Motion to Dismiss filed by Defendants Governor Sununu and Attorney General Formella (ECF Doc. No. 22.).
4. Charles O’Leary has separate counsel from the other Defendants, and his Motion to Dismiss was filed solely on his behalf. Defendant O’Leary is under no obligation to file joint

pleadings with other named defendants, nor are the other defendants obligated to make arguments in their motion on Defendant O’Leary’s behalf.

5. While some of the arguments may overlap, the two Motions to Dismiss are not duplicative and stand independent of one another.

6. Defendant O’Leary does not object to Plaintiffs filing a consolidated objection to the separate Motions to Dismiss if such an approach is preferred by Plaintiffs. However, the Plaintiffs cannot compel the defendants to defend this case in a particular manner and Defendant O’Leary objects to an order forcing consolidated defenses in this case.

7. Because of the above reasoning, the Defendant objects to the Motion to Strike Document 23 and respectfully requests that the Motion be denied.

Respectfully Submitted,

CHARLES O’LEARY, in his individual capacity

By his attorneys,

JOHN M. FORMELLA
ATTORNEY GENERAL

Date: April 8, 2025

/s/ Christina M. Wilson
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Objection was served this 8th day of April 2025 through the Court’s ECF system.

/s/ Christina M. Wilson
Christina M. Wilson